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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,428

08/30/2006

Estrella Cabrero Gomez

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02/10/2009

3M INNOVATIVE PROPERTIES COMPANY

PO BOX 33427

ST. PAUL, MN 55133-3427

EXAMINER

SPISICH, MARK

ART UNIT

PAPER NUMBER

3727

NOTIFICATION DATE

DELIVERY MODE

02/10/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/598,428	<b>Applicant(s)</b> CABRERO GOMEZ ET AL.	
	<b>Examiner</b> Mark Spisich	<b>Art Unit</b> 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18, 20, 21 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 11, 19 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/22/2006 &amp; 1/14/2009</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: (1) "22" (page 7, line 18) should be #20; and (2) "1" (page 8, line 25) should be #2.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 21 is objected to because of the following informalities: it is suggested that "portion" (claim 21, line 2) be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 7,8,15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "The base" (claims 7 and 15, line 2) lacks antecedent. The "carrier" (14) is comprised of two distinct parts, the spacer (17) and the base (15) (see figure 5). Claim 7 should make it clear that the "base" of the carrier is another element that together with the spacer defines the "carrier".

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/32048. '048 discloses a mop comprising a hollow dome-shaped body (130)

Art Unit: 3727

attachable at its top to an handle (117) and within which a plurality of superposed layers of web material (13,14) hang down from the base and further including a spacer (116) (see fig. 8) is provided between two layers of the web material. The upstanding portion (115) defines a pin (claim 17).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6,9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/32048 in view of M cCarthy (USP 2,320,372). '048 discloses the invention substantially as claimed with the exception of the body being in the form of an equilateral triangle (although the body and spacer do define a generally polygonal shape). The patent to McCarthy discloses that it is known to provide mops with a triangular configuration (vertex of less than 90 degrees). It would have been obvious to one of ordinary skill to have modified the mop of '048 as such to make it easier to reach into corners.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Le Febvre et al (USP 2,781,537). The prior art, namely '048, discloses the invention substantially as claimed with the exception of the skirt. '537 discloses a resilient peripheral skirt (28) disclosed about a

Art Unit: 3727

mop head (column 1, lines 20-25). It would have been obvious to one of ordinary skill to have provided such a skirt to '048 to prevent same to furniture, etc.

9. Claims 20,21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Disko (USP 4,114,224) in view of Le Febvre et al (USP 2,781,537). The patent to Disko discloses a head for a strip mop comprising a hollow dome-shaped body (28) which includes an upstanding socket (32) for attaching to an elongate mope handle (54) and within which the web material (20) is secured and further wherein a substantially part of the body is formed from a first (rigid molded plastic) material (column 3, lines 30-33). The patent to Disko discloses the invention substantially as claimed with the exception of the peripheral skirt. '537 discloses a resilient peripheral skirt (28) about the base wall of a cleaning implement (may also be a mop: column 1, lines 20-25). It would have been obvious to one of ordinary skill to have provided such a skirt to Disko to provide a resilient bumper to prevent damage to furniture, baseboards, etc. The patent o Disko discloses a carrier (30) with at least upstanding pin (42,44).

***Allowable Subject Matter***

10. Claims 11,19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 7,8,15 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are pertinent to mop generally including some type of carrier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Spisich/  
Primary Examiner, Art Unit 3727

Mark Spisich  
Primary Examiner  
Art Unit 3727

/M. S./

Application/Control Number: 10/598,428

Page 6

Art Unit: 3727

Primary Examiner, Art Unit 3727